

**SUBMITTED BY:**

JEFFREY C. GOSMAN  
**GOSMAN LAW OFFICE**  
PO Box 51267  
Casper, WY 82601-2481  
(307) 265-6715 (fax.)  
(307) 265-3082 (ph.)

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF WYOMING

TRICIA WACHSMUTH,

Plaintiff,

vs.

City of Powell, and in their individual capacity,  
Tim Feathers, Chad Miner,  
Mike Chretien, Roy Eckerdt, Dave Brown,  
Mike Hall, Brett Lara, Matt McCaslin,  
Alan Kent, Matt Danzer, Cody Bradley,  
and Kirk Chapman.

Defendants

CASE No. **10 cv 041J**

**PLAINTIFF'S PETITION FOR ATTORNEY'S FEES**

**COMES NOW**, the Plaintiff, **Tricia Wachsmuth**, by and through counsel, Jeffrey C. Gosman of GOSMAN LAW OFFICE and respectfully moves the Court for an Order awarding her reasonable attorney's fees, expert witness fees, and expenses not awardable as taxable costs, pursuant to 42 USC § 1988. In support of this motion, Plaintiff states as follows:

1. On March 4, 2011, the Plaintiff was awarded \$30,001.00 by the duly empaneled jury against Officers Chretien and Eckerdt for using the Plaintiff as a human shield. Furthermore, in answering special interrogatories, the jury found that Officers Kent and McCaslin had not safely deployed the flashbang device.
2. Plaintiff is the prevailing party in the action pursuant to court rule and case decisions as pointed out in the Memorandum in support of this motion for fees.
3. Plaintiff hereby certifies pursuant to USDCLR 54.3(a) that her counsel submitted a copy of the time and billing expense statements attached to this motion (together with a draft of her taxable costs statement) to counsel for Defendant, and that no agreement has been reached.
4. Pursuant to 42 U.S.C. § 1988(b) and (c), Plaintiff is entitled to recover her reasonable attorney's fees, expert witness fees and non-taxable litigation expenses.
5. Plaintiff requests payment for attorney's fees for counsel, Jeff Gosman, at \$225.00 per hour for a total of \$174,902.39 in attorney's fees.
6. The Plaintiff attaches the affidavit of attorney Tom Valdez, of Chapman Valdez, which attests to the reasonableness of Plaintiff's hourly rate, and his charges in this case, and also sets out his statements that the non-taxable costs which Plaintiff seeks to recover are normally billed to clients in this area, and are not part of office overhead. Appendix One.
7. The Affidavit of Jeff Gosman sets the foundation for the invoice for fees which is

attached to his affidavit and for the Plaintiff's claim for reimbursement for litigation expenses not awardable as taxable costs, but awardable pursuant to the attorney's fees statute, based upon the fact that these expenses would ordinarily be billed to "fee-paying clients" of Gosman Law Office. Appendix Two.

8. The affidavit of Jeff Gosman also sets out the request for reimbursement of expert witness fees for D.P. VanBlaricom.
9. The total fee for hours, expert witness witness fees and non-taxable expenses sought are: **\$200,756.60.**
  - a. That sum includes \$174,902.39 for attorney's fees; and,
  - b. \$25,854.11 for non-taxable litigation expenses including recovery of expert witness fees.

**Wherefore**, Plaintiff prays for an order awarding her attorneys fees, expert witness fees and non-taxable litigation expenses, together with interest thereon at the applicable rate, and for such other and further relief as the Court deems just and equitable under the circumstances. Friday, April 8, 2011.

Respectfully submitted,

**-S-**  
\_\_\_\_\_  
JEFFREY C. GOSMAN  
Plaintiff's Counsel  
**GOSMAN LAW OFFICE**  
PO Box 51267  
Casper, Wyoming 82601  
(307) 265-3082 (ph.)  
(307) 265-6715 (fax.)

**Certificate of Service**

I hereby certify that true and correct copies of the foregoing document was served this Friday, April 8, 2011 by ***e-submission*** to the following parties in interest:

<p>Misha Westby Senior Assistant Attorney General 2424 Pioneer Avenue, 2<sup>nd</sup> Floor Cheyenne, WY 82002 (307) 777-5477 (307) 777 8920 (f) <a href="mailto:mwest@state.wy.us">mwest@state.wy.us</a></p>	
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\_\_\_\_\_  
Jeff Gosman

-S-

# Appendix One

**SUBMITTED BY:**

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Defendants

CASE NO. **10 cv 041J**

**AFFIDAVIT OF COUNSEL REGARDING ATTORNEY'S FEES APPLICATION**

*Comes Now*, Tom Valdez, of Chapman Valdez, and states and deposes as follows:

1. Your affiant has been practicing law in the state of Wyoming and had been a member of the Wyoming State Bar since 1999.
2. Your affiant has personal knowledge of all matters contained herein.

3. I have known Jeff Gosman, attorney for the Plaintiff Tricia Wachsmuth since I began practicing in Casper, Wyoming.
4. My practice centers around trial work in various legal areas, and I am familiar with the time it takes to prepare for trial and to conduct pre trial preparation.
5. My practice includes significant experience in the area of civil rights litigation and Title VII litigation.
6. I have reviewed the statement for services for Mr. Gosman in the captioned matter.
7. I have reviewed the items that he has listed as costs associated with his development and prosecution of the case.
  - a. I believe that the costs that Mr. Gosman has included in his application for fees, such as costs of depositions that were not used at trial, but were taken for discovery purposes, are reasonable and are normally billed to the client as part of any fee agreement that I have seen in this area.
  - b. I believe that the costs for copying the exhibit notebooks that may have been ordered by the Court in its final pre-trial order, and the cost of copying the appendices to the Response to the Motion for Summary Judgment are reasonable and necessary costs that would normally be billed to the client and not absorbed as part of the attorney's overhead in the case.
  - c. I believe that the travel expenses which Mr. Gosman has charged for travel in this case, and for motel rooms and meal expenses are reasonable and these are also expenses which are normally charged to client in this area and are not included in the overhead



of the firm.

8. I have reviewed the fees that Mr. Gosman charged in this case and believe that they are reasonable and are related to normal case development, discovery and trial related matters.

a. Mr. Gosman filed a civil rights action involving excessive force against most of the members of the Powell Police Department which alleged multiple constitutional violations, each of which arises out of a body of law specific to the particular fourth amendment violation alleged.

i. It appears from Mr. Gosman's billing that he reviewed the case law for each of these alleged constitutional violations set out in Counts One through Eight of the Second Amended Complaint by downloading and annotating the relevant case law.

ii. It appears that the case involved a common nexus of facts for all causes of action, and that nexus of facts consisted of the decision making process from the time the confidential informant was interviewed through the approval process for the operation by the Chief and the execution of the plan by the various officers involved.

(1) Each of the Defendants in the case needed to be deposed to determine their role and any additional knowledge they may have concerning the operation generally.

iii. The case involved police practices, and it is common to employ a police practices expert in these cases demonstrate departures from police practices that led to the constitutional violations. Mr. VanBlaricom has been named as an



expert in a number of Wyoming cases. The charge for an expert witness is normally not part of the overhead of the law firm and is routinely billed to the client under any fee arrangement with which I am familiar. Mr. VanBlaricom's fees have been paid by a number of Wyoming lawyers who have used his services.

- iv. Because civil rights cases involve interlocutory appeals on the issue of qualified immunity, an additional layer of research is necessary to establish that the individuals named in the complaint are not entitled to qualified immunity. The work necessary to defend a summary judgment motion is necessarily complicated by the additional issue of qualified immunity and it appears that Mr. Gosman's research in this area was thorough and his recitation of the facts utilized most of the depositions he took to establish factual support for his positions.
- v. It is apparent that preparation for a trial involving the large number of Defendants in the case would be extensive. It appears that Mr. Gosman developed his case in chief in principal part by calling the officers themselves. This required extensive preparation from the depositions to keep the trial testimony from adverse witnesses from reinforcing the Defendants' case.
- vi. It is apparent from the verdict that Mr. Gosman's success in this case was more than nominal, and important fourth amendment issues were advocated and advanced in the areas of human shield and use of flashbang devices.

9. I am familiar with the going rate for attorneys in Casper, and in Wyoming with skills and experience similar to that of Mr. Gosman and I believe his hourly rate of \$225.00 per hour is in the average range for attorneys of similar skill and experience.
10. I am personally aware that Mr. Gosman is an experienced attorney in this area, and believe his expertise supports the rate that he has set.
11. After reviewing the services provided by Mr. Gosman as contained in his statement for services, it appears to me that the services were not only reasonable but reasonably necessary to advance the constitutional issues raised and vindicate his client.

**I declare and certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on Thursday, April 7, 2011**



Tom Valdez

# Appendix Two

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF WYOMING

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TRICIA WACHSMUTH,

Plaintiff,

vs.

City of Powell, and in their individual capacity,  
Tim Feathers, Chad Miner,  
Mike Chretien, Roy Eckerdt, Dave Brown,  
Mike Hall, Brett Lara, Matt McCaslin,  
Alan Kent, Matt Danzer, Cody Bradley,  
and Kirk Chapman.

Defendants

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CASE No. **10 cv 041J**

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***UNSWORN DECLARATION OF COUNSEL***

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***Comes Now***, Plaintiff's counsel, Jeff Gosman, and testifies and deposes as follows:

1. I have personal knowledge of all matters contained herein.
2. Declarant has been trying cases and dealing in discrimination and civil rights law matters almost exclusively since 1999.
3. Declarant charges \$225.00 per hour for his services. Declarant knows that this fee is on the low end of fees charged by comparably experienced trial lawyers practicing in the state of Wyoming.

4. The Plaintiff has attached his invoice as Appendix One, for fees and testifies that the invoice is accurate to the best of his knowledge and belief.
5. The Plaintiff testifies that he kept contemporaneous records of his work in this case, and his invoice accurately reflects the time spent on the tasks enumerated and the identification of the work performed.
6. The following depositions were taken which were not used at trial but which involved Defendant parties:
  - a. Dave Brown, Brett Lara, Matt Brilakis, Lee Blackmore, and Cody Bradley. Several of these witnesses were dismissed after their depositions as Plaintiff determined their involvement in the constitutional violations were De minimus.
7. Plaintiff took the deposition of Marissa Torczon as she was a dispatcher at the Powell police department and the author of the only report or minutes of the planning meeting for the raid.
8. The depositions of the above individuals were taken by a Vonnie Bray from Laurel, Montana and Ms. Bray sought reimbursement for travel expense and her hotel room, which Plaintiff's counsel paid.
9. Plaintiff took the deposition of Steve Hermann, who was Tom Wachsmuth's supervisor. Tim Feathers indicated that he had received information that Hermann informed him that he wasn't sure if Tom would help or hinder the investigation if he were contacted. This testimony was part of an unstated

theme that Tom Wachsmuth was somehow a co-conspirator with his son in the marijuana growing operation, and Plaintiff felt it necessary to find out what Mr. Hermann might say. Mr. Hermann was to testify in the Defendants' case in chief and the Court had agreed to allow him to testify by phone, however, at the last minute, he was not called.

10. The Plaintiff took the discovery deposition of the Defendants' psychiatrist and a video trial deposition of this witness was also requested by Defendants, and allowed by the Court. Plaintiff seeks recovery of the costs of these depositions. The invoices for the depositions are set out as Appendix Two.
  - a. Plaintiff paid Dr. Miller \$450.00 to for his time for the discovery deposition. This cost is charged to the clients normally, and is not part of office overhead.
11. The Plaintiff paid Thor Eells \$582.00 for his time for the discovery deposition, but was one hour late to the deposition and has charged only half that amount for his fee.
12. The Plaintiff paid Trevor Schenck one hundred dollars to read the depositions of Kobos and Stiles. This charge is not part of office overhead.
13. The cancelled checks for these services above are set out in Appendix Three
14. The Plaintiff also paid for the video of the Tricia Wachsmuth deposition which was taken by the Defendants. This cost is also billed to the clients and not absorbed in office overhead and is set out in appendix three as the charge to Joel Hageman.

15. The Plaintiff employed D.P. VanBlaricom, a police practices expert. This witness had a fee chart which he charges his clients.
  - a. Plaintiff's counsel paid Mr. VanBlaricom for fees related to the preparation of his report and for his preparation for the discovery deposition as set out in his attached invoice.
  - b. Plaintiff's counsel was required to pay Mr. VanBlaricom for his daily rate for two days for him to come to Cheyenne, Wyoming to testify. Plaintiff attaches the invoice for services and the email setting out his fee requirement for trial testimony and Plaintiff's cancelled check, as appendix Four.
16. The Declarant charged \$100.00 per hour for travel time which is less than half his hourly fee. Travel time is normally billed by me to my clients and is not absorbed as part of my office overhead.
17. The Declarant seeks reimbursement for hotel stays in Powell, Wyoming during the depositions, and for his stay in Cheyenne, Wyoming during the trial. These costs are normally billed to my clients and are not absorbed as part of my office overhead. Appendix Five.
18. The Declarant paid two invoices to AMBI, a copy and mail service center in Casper, Wyoming to prepare the appendix to the Plaintiff's Response to the Summary Judgment Motion and the Exhibit notebooks for trial. The charges for these services were reasonable based on my experience and are



normally billed to the client and are not office overhead. See Appendix Six

19. Affiant declares that each cost set out in his invoice has been paid, with the exception to the invoices to Esquire Solutions for depositions. These invoices will be paid.
20. Declarant has set out in his Memorandum in Support of the Application for Fees a short history of the litigation and the efforts undertaken to successfully prosecute the action. Declarant attests to the accuracy of the recitation of the case history in the memorandum.

**I declare and certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on Friday, April 8, 2011**



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JEFFREY C. GOSMAN

# Appendix 1



G O S M A N L A W O F F I C E

# Invoice

Date	Invoice #
3/15/2011	24

JEFF GOSMAN  
PO BOX 51267  
CASPER, WY 82605

Bill To

Tricia Wachmsuth

Service Date	Description	Hours	Rate	Amount
8/25/2009	Initial Conference with Clients. Discuss case, discuss arrangement for fees.	1.73333	225.00	390.00
8/25/2009		8	100.00	800.00
9/29/2009	Meet with Tricia Wachsmuth, Bret and Tom Wachsmuth. Review criminal file and discuss and finalize fee agreement.	2	225.00	450.00
9/29/2009	Travel to and from Cody for client conference.	8	100.00	800.00
12/25/2009	Begin assembly of case facts. Review Sec. 1983 handbook for general information on pleading, damages, basic elements for cause of action. Begin research of "knock and announce" warrant requirement.	3.5	225.00	787.50
			<b>Total</b>	
			<b>Payments/Credits</b>	
			<b>Balance Due</b>	

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Tricia Wachmsuth

Service Date	Description	Hours	Rate	Amount
12/26/2009	Continue 4th amendment knock and announce caselaw. Review, download and annotate- Hudson v. Michigan, U.S. Supreme Court; Holland v. Harrington; U.S. v. Cologna; U.S. v. Granville; U.S. v. Jenkins; U.S. v. Moore; U.S. v. Musa; U.S. v. Nielson; Whitewater v. Goss.	4.2	225.00	945.00
12/30/2009	Conduct review of all circuit and district court cases involving flash bang devices in 1983 actions	3.7	225.00	832.50
			<b>Total</b>	
			<b>Payments/Credits</b>	
			<b>Balance Due</b>	

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Service Date	Description	Hours	Rate	Amount
12/31/2009	Review 56 cases from all-feds database with following search string: flash stun /4 grenade device bang /s "excessive force" 1983 "fourth amendment" flashbang "distraction device." Download 12 cases. Research use of flash bang devices as excessive force. Obtain 3 relevant 10th Circuit holdings, which include one non-published disposition which held the 10th Circuit has ruled flash bang as neither reasonable nor unreasonable per se, but dependent upon factual circumstances. Review use of drawn weapons being pointed at suspects during search or seizure, review 10th circuit published cases only: search string: point! aim direct /6 weapon gun guns pistol! rifle! handgun! /s excessive "excessive force" 1983 "4th amendment." Download 5 cases.	5	225.00	1,125.00
			<b>Total</b>	
			<b>Payments/Credits</b>	
			<b>Balance Due</b>	

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Service Date	Description	Hours	Rate	Amount
1/1/2010	Review excessive force cases. Download and Digest excessive force cases for library: Graham v. Conner (U.S.); Anderson v. Creighton (U.S.); Bryan v. McPherson (C.A. 9); Drummond v. City of AnahiemBrosseau (C.A. 9); v. Haugen; Jenkins v. Wood (C.A. 10); Kirt v. Watkins (C.A. 10); Pierce v. City of Salem (C.A.).	4.88333	225.00	1,098.75
1/6/2010	Continue cataloging flash bang cases. Library now includes approx 12 cases from three or four circuits. Open file folders for cases involving use of weapons in executing search, decision to employ SWAT teams, and Human Shield. Add 8 cases to flashbang library including 4 district and circuit ct opinions, 4 knock and announce cases all from Tenth Circuit or districts within Tenth Circuit.	4.01667	225.00	903.75
			<b>Total</b>	
			<b>Payments/Credits</b>	
			<b>Balance Due</b>	

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Service Date	Description	Hours	Rate	Amount
2/6/2010	Review all discovery in Wachsmuth. Review police reports for details of SWAT incursion into Wachsmuth home. Review affidavits in support of warrant.	3	225.00	675.00
2/11/2010	Begin Preparation of draft of complaint.	1.5	225.00	337.50
2/12/2010	Work on basic elements of complaint, jurisdiction, venue.	2.31667	225.00	521.25
			<b>Total</b>	
			<b>Payments/Credits</b>	
			<b>Balance Due</b>	

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Service Date	Description	Hours	Rate	Amount
2/13/2010	Continue with complaint and notice -- collect reports and warrant information and statement of client. Begin drafting facts common to all causes in complaint. Review U.S. v Meyer 106 F.3d 936, U.S. V. Carrol 970 F.2d 719; and Illinois v. Gates 103 S. Ct. 2317 for reliability issue in informant's affidavit. Download, and annotate cases. Conference with client concerning the issue of reiliability of Bessler's affidavit. Discussion of issue of motive in Minor's actions relative to problems with Tom Wachsmuth.	5	225.00	1,125.00
			<b>Total</b>	
			<b>Payments/Credits</b>	
			<b>Balance Due</b>	

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2/15/2010	Continue work on complaint. Move into officer reports for details of general facts and constitutional violations. attempt to isolate constitutional violations for purposes of organizing causes of action. Draft Facts Common to All Causes, draft Count I. Research Punitive damage issue: download and annotate-Smith v. Wade (US S.Ct.). Add to supervisory liability library - Poolaw v. Carcantell - (Tenth Circuit-2009).	4.58333	225.00	1,031.25
2/17/2010	Continue draft of complaint. Draft Counts II through V.	3.5	225.00	787.50
			<b>Total</b>	
			<b>Payments/Credits</b>	
			<b>Balance Due</b>	

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Service Date	Description	Hours	Rate	Amount
2/17/2010	Investigate 1983 Entity Liability. Create library file- download and annotate: U.S. S. Ct. - Adickes v. S.H. Kress; City of Canton v. Harris; Owen v. City of Independence Mo.; Pembaur v. City of Cincinnati; Dept. of Social Services v. Monell; Co. Commr v. Brown. Tenth Circuit cases- Whitewater v. Goss (2006); Lankford vo Hobart (1996); Camfield v. City of Oklahoma City (2001); Brown v. Gray (2000); Brammer-Hoelter v. Twin Peaks Charter (2007). Draft Count VI.	4	225.00	900.00
2/18/2010	Complete complaint and forward complaint and statement to client and David Abramoff	1.05	225.00	236.25
2/20/2010	Review comments and corrections on complaint from Wachsmuths and Abromats.	3	225.00	675.00
2/25/2010	Final Draft of complaint	4.8	225.00	1,080.00
			<b>Total</b>	
			<b>Payments/Credits</b>	
			<b>Balance Due</b>	

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Service Date	Description	Hours	Rate	Amount
3/8/2010	Print complaint, prepare summonses, Case Cover Sheet, Notice of Complexity arrange for service of summons and file. Send copies of complaint with summons to process server.	4	225.00	900.00
4/15/2010	Conference with Tom Wachsmuth. Discuss answers paragraph by paragraph. Discuss affirmative defenses. Discuss need for experts and identify in which areas.	2	225.00	450.00
4/22/2010	Review rule 26.1(e) for computer based information and prepare letter to counsel to save email, logs, reports, etc.	1.38333	225.00	311.25
5/13/2010	Initial Pre-trial Conference	0.5	225.00	112.50
5/16/2010	Prepare Plaintiff's First Discovery Request.	1.2	225.00	270.00
5/17/2010	Receipt of Pre trial order and calendar events	0.4	225.00	90.00
			<b>Total</b>	
			<b>Payments/Credits</b>	
			<b>Balance Due</b>	

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6/8/2010	conference on protective order and HOLD	1	225.00	225.00
	conference call concerning submission of			
	protected documents under seal. review case			
	law. AIG Equipment v. AIG - 2009 WL			
	763494. Contact Clerk and download ECF			
	filing manual dealing with sealed documents.			
6/10/2010	Prepare Second Discovery Set and forward	1.3	225.00	292.50
6/17/2010	Prepare and file motion to amend complaint,	1	225.00	225.00
	with amended complaint and proposed order			
7/8/2010	Review answer of official capacity Defendants	0.3	225.00	67.50
7/12/2010	Review answer of individual defendants.	0.3	225.00	67.50
7/19/2010	Review discovery received, first set- Redraft	1.5	225.00	337.50
	protective order and send to opposing counsel.			
7/21/2010	Prepare motion for second amended complaint	1	225.00	225.00
	to clarify that officers are being sued in their			
	individual capacity- file mtn and amended			
	complaint, and proposed order.			
			<b>Total</b>	
			<b>Payments/Credits</b>	
			<b>Balance Due</b>	

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7/26/2010	Conduct research on motion to compel against public records act privilege. Review 112 cases, download and annotate 5 cases-- Regan-Toughy v. Walgreens, Jensen v. State of Utah; Everitt v. Bressel; Cisneros v. Town of Center. Begin motion to compel. Research rule 68 effects for potential Offer of Judgment threatened by Defendants.	6.5	225.00	1,462.50
7/26/2010	Conference with Tom Thompson and Misha Westby concerning depositions, discovery and the protective order. Revise protective order per matters discussed.	1.83333	225.00	412.50
8/2/2010	Review answer to second amended complaint filed by Official Capacity defendants. Finalize and file motion to compel	0.6	225.00	135.00
8/3/2010	Review answer to second amended complaint filed by individual defendants.	0.2	225.00	45.00
			<b>Total</b>	
			<b>Payments/Credits</b>	
			<b>Balance Due</b>	

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Service Date	Description	Hours	Rate	Amount
8/10/2010	Arrange for reporter for first round of depositions, prepare deposition notices and file. Prepare and file mtn for extension of time.	1.6	225.00	360.00
8/11/2010	Review response to mtn to compel and order granting extension of time for discovery	0.25	225.00	56.25
8/16/2010	Receipt and review response to mtn to compel filed by individual defendants.	0.2	225.00	45.00
9/1/2010	Search for expert witness on constitutionial excessive use of force. Go on line and identify several possible sources. Contact Rich Jamison and obtain Van Blaricom's information.	2.6	225.00	585.00
9/3/2010	Contact and email, Scott Burmeister, Force Science Institute and Ron MacCarthy. Contact Dr. Stile's office in Billings and discuss need for expert witness materials.	1.1	225.00	247.50
9/7/2010	Prepare third discovery set.	1.6	225.00	360.00
			<b>Total</b>	
			<b>Payments/Credits</b>	
			<b>Balance Due</b>	

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# Invoice

Date	Invoice #
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JEFF GOSMAN  
PO BOX 51267  
CASPER, WY 82605

Bill To

Tricia Wachmsuth

Service Date	Description	Hours	Rate	Amount
9/7/2010	Communicate with Van Blaricom. Obtain CV and fee agreement. Prepare documentation for forwarding to him, and draft assignment.	2.4	225.00	540.00
9/8/2010	Review order by Magistrate Beaman regarding disclosure of records and identity of Confidential Informant	0.2	225.00	45.00
9/10/2010	OCR discovery documents and bookmark Defendant's SERD. Read documents in preparation for updated law search and deposition preparation. Begin Excessive Force update- download and annotate Lundstrom v. Romero	2.83333	225.00	637.50
9/11/2010	Update library on excessive force. Review over 100 cases. Download and annotate Armijo v. Peterson, Club Retro v Hilton, Espinosa v. City & County of San Fran, Buck v. City of Albuquerque, Hope v. Pelzer, Johnston v. D.C.	3.6	225.00	810.00
			<b>Total</b>	
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9/13/2010	Continue updating excessive force library. Download Fogerty v. Gallegos, Mick v. Brewer, Quezada v. County of Bernalillo, Despain v. Uphoff.	3.2	225.00	720.00
9/14/2010	Continue updating excessive force library. Graham, Conner, Saucier cross referenced. Download and annotate Cortez v McCauley, Cruz v. OK, Buck v City of Albuquerque, Casey v. City of Federal Heights, Thomson v Salt Lake.	4	225.00	900.00
9/16/2010	Review all witness physicians for expert witness designation. Contact Dr. Walter's office for Bret Wachsmuth and Dr. Stiles office for updates on information. Speak with Dr. Stiles. Begin Expert Witness Designation. Review Draft of Blaricom Report. Communicate with Blaricom.	2.5	225.00	562.50
			<b>Total</b>	
			<b>Payments/Credits</b>	
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9/17/2010	Finalize and file Expert Witness designation. Communicate with Stiles office and obtain CV. Communicate with Dr. Walter's office and determine to use her as a fact based witness. Communications with client regarding forwarding of releases. Prepare	3.2	225.00	720.00
9/21/2010	Supplementation of Rule 26 witnesses to include Mark Kobos, counselor. Visit with Kobos office and obtain release for medical records. Prepare amended notices of depositions. Prepare subpoena for Lt. Patterson, Park Co. Sheriff's office. Communicate with opposing counsel. Forward subpoena to Park County for service.	1	225.00	225.00
9/22/2010	Begin Preparation for Cretien deposition. Start question list. Assemble exhibits.	2.4	225.00	540.00
			<b>Total</b>	
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Service Date	Description	Hours	Rate	Amount
9/22/2010	Prepare for Chretien deposition. Begin process of developing themes in areas of knock and announce, flashbang, human shield, pointing weapons, training, supervision. Begin assembly of deposition exhibits from police reports, training materials.	2.5	225.00	562.50
9/23/2010	Continue Cretien question list through ten pages, continue assembling exhibits and reviewing documents.	3	225.00	675.00
9/24/2010	Throroughly review all Chretien related documents, particularly his training documentation over course of career in law enforcement. Continue Chretien question list through 22 pages. identify, Chretien Exhibits, and identify master list of exhibits. Create exhibit stamp and mark exhibits.	6	225.00	1,350.00
			<b>Total</b>	
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Service Date	Description	Hours	Rate	Amount
9/27/2010	Prepare Miner Question list covering sixteen pages. Identify themes and develop questions thematically assembling exhibits from SERD and training materials provided in response to discovery.	7.7	225.00	1,732.50
9/28/2010	Mark Miner Exhibits and add to notebook. Conversation with Officer Patterson regarding events of Friday night where Officer Brown confronted him and attempted to intimidate him. Conference with Tom Wachsmuth - tactic for proper development of confidential informant. Discuss with Officer Patterson his deposition questions.	5.6	225.00	1,260.00
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Service Date	Description	Hours	Rate	Amount
9/29/2010	Continue Cretien deposition questions, assembly of exhibits for all witness thus far. Communicate with opposing counsel regarding attendance of all parties at Tricia Wachsmuth's deposition. Communicate with client concerning issue, obtain permission from Tricia. Make arrangements to obtain letter.	4.53333	225.00	1,020.00
9/29/2010	Communicate with opposing counsel regarding attendance of all parties at Tricia Wachsmuth's deposition. Communicate with client concerning issue, obtain permission from client to proceed. Prepare email setting forth concerns and plan of action in event problems arise and forward to opposing counsel	0.4	225.00	90.00
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Service Date	Description	Hours	Rate	Amount
9/30/2010	Review all training materials per officer. select and scan training materials that will be used as exhibits for all officers, over 2000 documents. Review remaining documentation supplied pursuant to the protective order. Go over all POST training records and identify all dynamic entry related training for each officer. Review inservice training records to identify potential dynamic entry training for inservice.	7	225.00	1,575.00
10/1/2010	Finalize exhibit notebook for all witnesses. Prepare question lists for Danzer, McCaslin, Brown, Hall- approximately fifty pages of questions. Tailor each list to officer's role in case, and training background.	7.3	225.00	1,642.50
			<b>Total</b>	
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10/2/2010	Prepare question lists for Chapman, Eckert, Kent, Lara, Hall. Prepare client for deposition on Monday. Review client statement and Plaintiff's medical records. Bookmark Master Exhibit list.	10	225.00	2,250.00
10/2/2010	Travel time to Powell.	4.83333	100.00	483.33
10/4/2010	Deposition of Tricia Wachsmuth	5.5	225.00	1,237.50
10/4/2010	Deposition of Officer Danzer	5	225.00	1,125.00
10/5/2010	One hour review in preparation for Chretien deposition. Chretien deposition.	9	225.00	2,025.00
10/6/2010	McCaslin, Miner depositions. Review depositions with client.	10	225.00	2,250.00
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10/7/2010	Brown, Hall, Lara, Deposition preparation for Patterson- prepare written questions from notes of conversations with Patterson. 3.00 hrs. Meet with clients and review day's proceedings. Have Tom Wachsmuth research pictures attributed to Bret Wachsmuth on Myspace for impeachment.	11	225.00	2,475.00
10/8/2010	Finalize deposition questions for Patterson. Patterson deposition. Review exhibits with reporter and ensure that she has all documents necessary for exhibit notebooks.	6	225.00	1,350.00
10/14/2010	Prepare deposition notice, make arrangements for Percy Metz Conference Room in Cody, WY. Prepare Fourth Discovery Set, and rule 37 letter for third discovery set and training manual. Email and mail discovery and Rule 37 ltr. Notify Court Reporter.	1.75	225.00	393.75
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10/15/2010	Prepare Fourth Discovery Set	0.4	225.00	90.00
10/21/2010	Conference with Misha and Tom regarding scheduling dealines and proposed stipulation. Send email notifying counsel that I will need two days for depositions on the 22nd.	0.95	225.00	213.75
10/22/2010	Complete and forward 5th discovery set. Prepare and file Notice of Clarification concerning Jt Mtn to Extend Deadlines- request to keep trial date.	1	225.00	225.00
10/27/2010	Receipt of General Medical Releases from Misha Westby. Forward medical releases by email to Tricia Wachsmuth. Prepare email to Misha Westby limiting use of releases. Print emailed releases to PDF.	0.6	225.00	135.00
10/28/2010	Hearing on motion to extend deadlines. Send releases to Misha Westby.	0.41667	225.00	93.75
			<b>Total</b>	
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11/2/2010	Receipt and review Defendants' Joint Expert Witness Designation.	0.25	225.00	56.25
11/8/2010	Review bill for depositions contact Vonnie Bray for delivery. Confirm deposition dates.	0.25	225.00	56.25
11/10/2010	Discuss general release forwarded by A.G.'s office. Send back because it is too broad. Forward revised release, and return it to counsel when signed. Discuss IME and make tentative arrangements. Forward Expert witness Designation of Defendants and Report to Tom Wachsmuth. Obtain feedback.	1.2	225.00	270.00
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Service Date	Description	Hours	Rate	Amount
11/11/2010	Begin review of case law for deposition of police chief, official capacity suits and municipal liability conducted over several days, download and annotate: City of Canton v. Harris, City of Oklahoma v. Tuttle; Owen v. City of Independence, Polk v. City of Dodson, Whitewater v. Goss, Zuchel v. City of Denver.	3.7	225.00	832.50
			<b>Total</b>	
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11/17/2010	Receive notice of Rule 35 exam running for two days. Research Rule 35 length of examination. Review 15 cases. download and annotate Simpson v. Univ of Colorado, Duncan v. Upjohn, Powell v. US, Valita v. Univ. of Chicago, Simon v. Bellsouth, Kob v. Co. of Marin, Laney v. Hospital Bd of Lee Co. to determine limits on length of examination, testing that can be done, need to produce CV prior to testing, use of recording device or presence of attny at exam.	2.4	225.00	540.00
11/17/2010	Analyze Dodds v. Richardson and Ashcroft v. Iqbal for supervisory liability. Download and annotate McLelland v. Facteau	3.46667	225.00	780.00
11/18/2010	Receipt and review of Mtn for Independent Medical Examination.	0.2	225.00	45.00
			<b>Total</b>	
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11/18/2010	Analyze Al-Kidd (9th Circuit) case processing Iqbal and finding supervisor lia. Bd of Co. Commr v. Brown- municipal liability- S.Ct. case -- annotate municipal liability in context of direct action by authorized decisionmaker. Review cases and determine proof nec to go forward on this claim in light of Iqbal and Dodds v. Richardson	5.71667	225.00	1,286.25
11/19/2010	Receipt and review of Magistrate's order regarding IME	0.2	225.00	45.00
11/19/2010	Preparations for chief's deposition and deposition of Marisa Torzen, and other officers. Prepare new exhibits for Feather's deposition, depositions of remaining officers.	3.01667	225.00	678.75
11/21/2010	Prepare question lists and exhibits for second round of depositions.	4.5	225.00	1,012.50
11/21/2010	TRavel to Powel, WY.	4	100.00	400.00
			<b>Total</b>	
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Service Date	Description	Hours	Rate	Amount
11/22/2010	Depositions of Marissa Torczon; Matt Brilakis, Alan Kent; Roy Eckderdt. Review for depositions tomorrow- 1 hr	7	225.00	1,575.00
11/23/2010	Depositions of Roy Eckderdt (cont.), Lee Blackmore, Cody Bradley, Kirt Chapman, Chief Feathers.	10	225.00	2,250.00
11/29/2010	Deposition of William Spence- Tricia's pastor-Defend.	1.16667	225.00	262.50
11/29/2010	Bookmark deposition of - Lt Patterson, Park Co. Sheriff's Office.	1.5	225.00	337.50
11/29/2010	Kobos Deposition begun and continued.	0.75	225.00	168.75
11/30/2010	Deposition of Dr. Troy Stiles.	1.78333	225.00	401.25
			<b>Total</b>	
			<b>Payments/Credits</b>	
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Service Date	Description	Hours	Rate	Amount
11/30/2010	Conference with client. Discuss deposition of Steve Hermann. Obtain deposition date, contact clerk of court to reserve room, contact reporter, Prepare notice of deposition and subpoena. Contact Server. File notice, and forward to reporter and process server. Check witness fees- make arrangements for payment of witness fees	2.7	225.00	607.50
12/1/2010	Conferences with client concerning conditions under which she took the MMPPI-2 today. Conference with Tom Thompson informing him of conditions which included: 1) not allowed a lunch break, 2) placed in a small room with one chair, no desk or table. Client had to sit on floor and use chair as desk to take the test. Client's emotional condition deteriorating. Client indicated at 4:00 that she felt she had the	1.16667	225.00	262.50
			<b>Total</b>	
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12/1/2010	<p>ability to finish test, described test conditions, updated counsel several times over course of 2.5 hour period.</p> <p>Review previous Designation of Rebuttal Experts, and Mtn in Limine and Daubert Motions for IME. Review subpoena for IME doctor to be issued immediately after issuance of report</p>			
			<b>Total</b>	
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12/2/2010	conference with Greg Hall in Denver concerning Dr. Miller. Mr. Hall has used Miller in the past. Discussion with client concerning Mr. Hall's input. Discuss hiring expert for rebuttal. Discuss Hannah Evans, recommended by Mr. Hall, and Daniel Clay - of University of Missouri. Preparation of email to Tom Wachsmuth for Tricia when she comes back requesting report and identifying information we need for rebuttal expert. Review article by Hannah Evans.	1.5	225.00	337.50
12/2/2010	Danzer Deposition- bookmarked. Bookmarks transferred to WP document for insertion in brief. Establish outline for specific liability against Danzer for his role in warrant service.	2.5	225.00	562.50
12/2/2010	Bookmark Cretien deposition.	3.83333	225.00	862.50
12/6/2010	Receive and review Motion to Quash. Contact	3	225.00	675.00
			<b>Total</b>	
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12/6/2010	Dave Delicath at AG's office to suggest alternative date, but possible need for hearing because of pending discovery cut-off. Research basis for objection to motion to quash. Contact deponent, Steve Hermann and obtain dates for rescheduled deposition. Make several attempts to get everyone on board for new deposition dates. Unable to confirm with Misha. Contact Debbie with Magistrate Beaman to obtain emergency hearing on Motion to Quash. Obtain hearing time. Notify parties, and contact conference operator to schedule conference call. Have conference call, Misha acknowledges that she can do deposition on 17th of December, thus rendering hearing moot. Notify reporter of rescheduled deposition, and notify clerk of court where deposition is to be held for new date.			
			<b>Total</b>	
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12/6/2010	Obtain agreement that new subpoena need not be served.			
12/8/2010	prepare amended notice of deposition. Contact reporter and make arrangements for new reporter. Contact parties and Dave DElacath to withdraw motion to quash. Mail notice of deposition	1.15	225.00	258.75
12/9/2010	Deposition of Michael Kobos- Counselor for Tricia Wachsmuth.	1.25	225.00	281.25
12/9/2010	Review with Def. Tec. procedures for obtaining training video of the NFDD detonation - prepare subpoena and serve. Contact Tom Wachsmuth and attempt to visit with Lt Patterson about affidavit for SJ purposes.	1.4	225.00	315.00
12/10/2010	Continue bookmarking Miner Deposition. Bookmark McCaslin Deposition.	2.26667	225.00	510.00
			<b>Total</b>	
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12/10/2010	Extract bookmarks from depositions of Mike Hall, Dave Brown, Mike Chretien, and Bret Lara.	4.2	225.00	945.00
12/13/2010	Review process for subpoena of MySpace. Contact Clerk of Court District of Wyoming and California. Research Rules, make arrangements with private process server.	4.21667	225.00	948.75
12/13/2010	Review case law on Westlaw. Review online info for subpoena of MySpace documentation. Research issue of Rule 35 examiner relying on depositions to inform report. Possible basis for striking expert because it is not consistent with examination purpose of Rule 35. Begin Bookmarking the warrant service portion of Wachsmuth deposition. Then perform extraction of bookmarked sections I feel will be used in Response to SJ motion.	6.48333	225.00	1,458.75
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12/14/2010	Email exchange concerning Van Blaricom's deposition. No resolution. Prepare for Mtn for Protective Order. Research rule 28 and Rule 30 regarding place of deposition and definition of "before a person authorized to take oaths."	2.16667	225.00	487.50
12/14/2010	Extract deposition excerpts from Miner deposition - 30 pages.	3	225.00	675.00
12/14/2010	Discussions with Misha Wesby about how to handle Van Blaricom's deposition. Research motion for protective order on her insistence to take deposition when I am not available.	1.5	225.00	337.50
			<b>Total</b>	
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12/16/2010	Prepare for Hermann deposition- extended conference with T. Wachsmuth regarding relationship between he and Hermann and any additional information. Arrange for conference call tomorrow. Communication with opposing counsel arranging for call.	2	225.00	450.00
12/17/2010	Deposition of Steve Hermann- Final preparation for Hermann depo. Finalize question list.	2.5	225.00	562.50
12/17/2010	Draw deposition excerpts from Hall, McCaslin, Brown, Lara.	4	225.00	900.00
12/20/2010	Preparation of affidavit for Dave Patterson. Conferences with Tom Wachsmuth and Dave concerning contents of affidavit. Finalize and email. Extract excerpts from Patterson Deposition.	1.4	225.00	315.00
			<b>Total</b>	
			<b>Payments/Credits</b>	
			<b>Balance Due</b>	

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JEFF GOSMAN  
PO BOX 51267  
CASPER, WY 82605

Bill To

Tricia Wachmsuth

Service Date	Description	Hours	Rate	Amount
12/21/2010	Preparation for Deposition of Van Blaricom. Highlight developments in depositions. Prepare excerpts for each issue relevant to Van Blaricom's report. Prepare newest outline for entity liability- knowledge that plan violated constitutional rights.	3	225.00	675.00
12/21/2010	Conference with Van Blaricom. Collect all depositions and mail to Van.	1.3	225.00	292.50
12/21/2010	Begin bookmarking Tim Feathers deposition.	1	225.00	225.00
12/22/2010	Finish Bookmarking Tim Feathers deposition. Bookmark depositions of Eckerdt, Bradley, Chapman. Discover that VanBlaricom does not have depositions, prepare mtn for protective order. (1 Hr).	5.83333	225.00	1,312.50
12/27/2010	Bookmark Chapman and Torczon depositions.	2.5	225.00	562.50
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Service Date	Description	Hours	Rate	Amount
12/27/2010	Download Defendants' Memorandum for Summary Judgment with Exhibits and begin review of Memorandum.	3.4	225.00	765.00
12/30/2010	Arrange to take deposition of Miller-Defendant's IME physician. Contact Tom Wachsmuth to set up conference with potential rebuttal witness. Contact rebuttal witness.	1.2	225.00	270.00
12/30/2010	Run citations from Defendant's brief- download and annotate principle cases I don't already have.	2.4	225.00	540.00
1/1/2011	Finish reviewing Westby brief- and prepare factual and legal outline	2.5	225.00	562.50
1/1/2011	Pull up Plaintiff's statement. Compare Plaintiff's statement with deposition testimony.	1.4	225.00	315.00
1/3/2011	Compare with Chapman's deposition testimony. Prepare factual background of case, to near completion. Revise draft.	7	225.00	1,575.00
			<b>Total</b>	
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Service Date	Description	Hours	Rate	Amount
1/4/2011	Revise factual background - 16 pages. Change beginning add additional layer of proof. Prepare for 10th Circuit review of all possible fact permutations.	3	225.00	675.00
1/5/2011	Continue with fact situation. Add expert opinions. insert information relative to armor piercing ammunition. Prepare affidavit for VanBlaricom to introduce his report. Affidavit for Sean Wachsmuth. Add Expert opinions to the factual statement. Begin legal argument. SJ considerations in the 1983 context.	8.21667	225.00	1,848.75
1/5/2011	Prepare and file Mtn for excess pages brief, and order.	0.91667	225.00	206.25
			<b>Total</b>	
			<b>Payments/Credits</b>	
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Service Date	Description	Hours	Rate	Amount
1/6/2011	Develop argument for Official Capacity Liability- check Iqbal references for application to municipal liability. Check state statutes for delegation of duties to police chief, check municipal ordinances for delegation of police duties. Check to see if Powell is a first class city under Wyoming statutes. Prepare affidavit for Tricia Wachsmuth. Prepare and file mtn for excess page filing.	7	225.00	1,575.00
			<b>Total</b>	
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Service Date	Description	Hours	Rate	Amount
1/7/2011	Complete outline of legal arguments for all causes of action. Prepare affidavits for Sean Wachsmuth, Lieutenant Patterson, revise and conference with clients. Conference with Rebuttal Expert. Discuss issues for deposition. Discuss client interview. Contact client and arrange for interview- prepare hipaa release. Forward HIPAA release to client and to dr. after execution.	8	225.00	1,800.00
1/8/2011	Bring up flashbang cases and prepare circuit by circuit argument. Complete Letal argument. Review entire draft of brief, and revise.	7.96667	225.00	1,792.50
1/9/2011	Insert references to the record in forecast of the evidence. Assemble appendices for declarations.	7.88333	225.00	1,773.75
1/10/2011	Assemble Appendix and Exhibits in PDF. Prepare Table of Appendices. Finalize brief. File.	6.5	225.00	1,462.50
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Service Date	Description	Hours	Rate	Amount
1/11/2011	Deposition of Van Blaricom	3	225.00	675.00
1/12/2011	Prepare for deposition of Frederick Miller- psychiatrist	2.63333	225.00	592.50
1/13/2011	Travel to Denver	4	100.00	400.00
1/13/2011	Deposition of Frederick Miller, MD.	1.25	225.00	281.25
1/13/2011	Deposition prep and Deposition of Thor Eells.	4.3	225.00	967.50
1/14/2011	Preparation for hearing on SJ motions	3	225.00	675.00
1/14/2011	Travel from Denver to Cheyenne for SJ hearing, and Cheyenne to Casper	4	100.00	400.00
1/17/2011	Argue Summary Judgment Motions	2	225.00	450.00
1/17/2011	Email to Dr. Brockman for report.	0.3	225.00	67.50
1/18/2011	Prepare mtn in limine under Rule 402,403,404 and Daubert mtn. File all three	1.5	225.00	337.50
			<b>Total</b>	
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Service Date	Description	Hours	Rate	Amount
1/24/2011	Prepare response to mtn in limine regarding mtns to strike and for reading of use of force instruction with opening instructions. Prepare Response to Daubert motion. Prepare sworn declaration for VanBlaricom. Conferences with VanBlaricom.	6	225.00	1,350.00
1/24/2011	hearing on Summary Judgment results.	1.16667	225.00	262.50
1/25/2011	complete and file FPT. List of Exhibits and Witnesses.	5.5	225.00	1,237.50
1/26/2011	Make arrangements for experts to testify by video depo or by trial appearance.	1.3	225.00	292.50
1/27/2011	Jury Instructions. Start with westlaw search. Use Federal Jury Instruction data base to download 1983 instructions for excessive force.	3	225.00	675.00
1/28/2011	Download jury instructions from three Judge Johnson cases. Go to library for 10th circuit cases. Prepare draft of general instructions.	3.43333	225.00	772.50
			<b>Total</b>	
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Service Date	Description	Hours	Rate	Amount
1/28/2011	Prep for Final Pre-trial conference. REview proposed order. Forward to client for review. Conference with client regarding issues. Prepare list of disputed issues. Review Reply to traverse of Brockman issue. Go online and recover case mentioned- colo district ct case that involved listing rebuttal expert after FPT order entered. Review mtn to quash, and new exhibit list.	3.5	225.00	787.50
1/29/2011	Finalize draft of initial instruction set. Prepare particularized instruction group from Court's order and review of case law.	6.4	225.00	1,440.00
1/30/2011	Travel to Cheyenne for Final Pre Trial conference.	2.5	100.00	250.00
			<b>Total</b>	
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Service Date	Description	Hours	Rate	Amount
1/31/2011	Continue research of jury instructions. Obtain set of instructions from Downes case. Review. Conferences with client regarding additional pictures of home for demonstrative exhibits.	1	225.00	225.00
1/31/2011	Travel from Cheyenne to Casper after Final Pre-trial Conference.	2.83333	100.00	283.33
2/1/2011	Final Pre-Trial Conference.	2.4	225.00	540.00
			<b>Total</b>	
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Service Date	Description	Hours	Rate	Amount
2/1/2011	Conference with JOhn Robinson and Rich Jameson to compare liability and damage issues in Wachsmuth and their case, English v. Darin Douglas et al. Discuss conceptual approaches to jury. 1.2 hrs. Continue to finalize jury instructions. Place authority for each instruction. Draft of Special verdict form. Research instruction for "man's castle is his home." Review Summary Judgment order for resolution of supervisory liability in light of Iqbal.	6	225.00	1,350.00
2/2/2011	email exchange with Misha Westby concerning dismissal of Blackmore and Brilakis.	0.25	225.00	56.25
2/2/2011	Continue draft of Special Verdict Form. Prepare outlilne of Trial Memorandum.	8.08333	225.00	1,818.75
			<b>Total</b>	
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Service Date	Description	Hours	Rate	Amount
2/3/2011	Prepare trial memorandum. Revise jury instructions based on refinements from trial memorandum. Finalize jury instructions and verdict form.	3.5	225.00	787.50
2/5/2011	Review deposition of Miller, book mark. Review Miller's notes and prepare written transcript of his notes. Conferences with clients concerning veracity of Miller's notes in key areas such as events preceding 2th of February, suicidal ideation in connection with brother's suicide. Prepare outline for questions. cut and paste deposition excerpts in outline.	6	225.00	1,350.00
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Service Date	Description	Hours	Rate	Amount
2/6/2011	Prepare exhibits for deposition. Review entire 20 pags of Miller notes with client, page by page. Conference with Clay Daniel, psychologist who is advising on issues raised in report of Miller. Receive email with articles on empirically supported treatment, evidence based practice. Incorporate into deposition questions.	2	225.00	450.00
2/7/2011	Travel to and from Denver, snow storm from Cheyenne to Casper. Very bad roads.	9.83333	100.00	983.33
2/7/2011	Trial deposition of Frederick Miller. Prepare voir dire and list of depositions to be read at trial and file.	7	225.00	1,575.00
			<b>Total</b>	
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Service Date	Description	Hours	Rate	Amount
2/9/2011	Prepare witness question lists for Miner and Chretien. Assemble EXhibits. Assemble citations to depositions. Integrate both into questions. Take Exhibits to AMBI in flash drive. Review exhibit list, and format for production with AMBI. Review exhibits. File mtn in limine for Bret's SS disability.	16	225.00	3,600.00
2/10/2011	Prepare Questions for Eckerdt. Review Deposition, extract testimony related to Ex 47 and prepare questions line by line. Review Eckerdt deposition and extract testimony for impeachment on issues of entry, planning, and human shield. Prepare review of deposition diagram- coordinate with deposition testimony.	7.66667	225.00	1,725.00
			<b>Total</b>	
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Service Date	Description	Hours	Rate	Amount
2/11/2011	Prepare question lists for Chapman, Danzer and Hall. Review depositions of all three. Review and file Trial Brief. Review and file supplemental voir dire.	7.1	225.00	1,597.50
2/11/2011	Review assembly of deposition notebooks, add two additional exhibits and pick up notebooks from AMBI.	1.2	225.00	270.00
2/12/2011	Prepare question lists for Tom Wachsmuth and David Patterson. Prepare question lists for McCaslin and Kent, extract deposition references and incorporate into questions. Review exhibits for references to training, diagram of officer Kent and review of Exhibit 16 and 20. Put trial materials together, review voir dire, load for trip to Cheyenne.	10	225.00	2,250.00
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Service Date	Description	Hours	Rate	Amount
2/13/2011	Collect all discovery related documents in discovery folder. Review Defendants exhibits. Review jury information sheets. Prepare outline for opening statement.	5.5	225.00	1,237.50
2/13/2011	Travel time to Cheyenne, WY.	2.5	100.00	250.00
2/14/2011	work on opening statement, review motions for mtns in limine. Go to Courthouse to practice with the display technology. Hear results on Motions, discuss pretrial issues, jury selection, opening instructions. Prepare Tricia Wachsmuth for testimony. Review Patterson and Miner trial question lists.	14	225.00	3,150.00
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Service Date	Description	Hours	Rate	Amount
2/14/2011	6.40 trial time. Opening statements, Tricia Wachsmuth trial testimony. Contact, psychologist familiar with PTSD and develop questions relative to Tricia's PTSD to explain trial behavior. Go over trial testimony and develop specific questions we will ask tomorrow. Revise Miner question list for trial tomorrow. Conferences with David Patterson. Prepare Sean Wachsmuth question list. Review with Sean	12	225.00	2,700.00
2/15/2011	7.00 hrs trial. Read and redact Frederick Miller's trial deposition for mtn in limine. Review and Revise Chretien trial question list. Prepare subpoena for person reports. Make arrangements for subpoena to be served. Begin Tim Feathers Trial Question List.	12.5	225.00	2,812.50
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Service Date	Description	Hours	Rate	Amount
2/16/2011	5.75 trial. Wait until sentencings completed. Finish Tricia, conduct trial testimony of Lt. Patterson, Sean Wachsmuth, begin examination of Chad Miner. Prepare for the next days witnesses. Review question lists, and review order of exhibits. Try to streamline presentation of exhibits by checking and updating bookmarks and pulling exhibits from Defendants' exhibit files.	11	225.00	2,475.00
2/17/2011	6.40 trial. Testimony of Chad Miner, Begin with Chretien testimony. Prep for Friday witnesses. Meet with VanBlaricom. Rework Chretien question list and exhibits for Friday. Prepare for Eckerdt and Chapman, and prepare for re-direct of Chretien.	12	225.00	2,700.00
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Service Date	Description	Hours	Rate	Amount
2/18/2011	5.75 trial time. Meet with Van Blaricom at 6:00 am in morning, and review questions we will ask. VanBlaricom, Danzer and Chretien take stand. Prepare files for trip to Casper.	9	225.00	2,025.00
2/18/2010	Travel from Cheyenne to Casper. Bad roads.	3	100.00	300.00
2/19/2011	Review Chretien and streamline questions in light of territory covered. Prepare Chief Feathers trial question list from deposition.	6.5	225.00	1,462.50
2/20/2011	Revise question lists for all remaining defense witnesses- Hall, Chapman, Kent, McCaslin, Eckerdt, and actually insert the deposition testimony I will impeach with into the question list itself. Revise and update exhibit display file for easier reference at trial. Bookmark photos of Defendant in Q file for quick reference. Identify additional exhibits from Defendants exhibits.	10	225.00	2,250.00
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Service Date	Description	Hours	Rate	Amount
2/21/2011	Travel time to Cheyenne, slick roads.	2.8	100.00	280.00
2/21/2011	Finalize Questions for Feathers- finalize questions for Eckerdt and Chapman. Scan additional exhibits from RIMS log and assemble exhibit 91- Plaintiff's third Discovery.	7.5	225.00	1,687.50
2/22/2011	5.75 hours trial time. Finish Chretien, trial testimony of Eckerdt and Chapman. Review witnesses for next day- Chapman. Prepare for Hall and Kent. Review of question lists and bookmark exhibits to be used. Further preparation for Feathers- review and revise his questions.	11	225.00	2,475.00
2/23/2011	5.75 trial time. Final prep for McCaslin, Feathers, modify questions based on evidence obtained. Review with Tom his questions. Case review with client and family.	11	225.00	2,475.00
			<b>Total</b>	
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2/24/2011	6.5 trial time, including waiting for sentencing hearing. Finish Kent, Officer McCaslin, and Chief Feathers testimony. Tom Wachsmuth testimony begun. Prepare for Eells deposition. Review Kobos and Stiles and mark depositions.	11	225.00	2,475.00
2/25/2011	4.5 trial time. Finish preparation for Eells deposition.	7	225.00	1,575.00
2/25/2011	Travel from Cheyenne to Casper.	2.5	100.00	250.00
2/26/2011	Prepare partial closing statement. Conferences with client, find someone to read depositions.	4	225.00	900.00
2/27/2011	Travel to Cheyenne.	2.5	100.00	250.00
2/27/2011	work on closing statement. Review Miller trial deposition for objections- identify objections by page and line and substance of objection. Prepare draft of Mtn in Limine	6.3	225.00	1,417.50
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Service Date	Description	Hours	Rate	Amount
2/28/2011	5.25 trial time. Prepare Bret Wachsmuth for trial testimony before trial. Finallize Mtn in Limine and file for Miller Trial Deposition. Trial testimony of Bret Wachsmuth, mtns for directed verdict. Cross examination of Officer Lara. Review depositions and trial notes for testimony of expected Defense witnesses, Bradley, Brown, Feathers, Chretien, Miner.	11	225.00	2,475.00
3/1/2011	7.0 hrs trial and jury instruction conference. Preparation of memorandum on "deliberate indifference." Prepare final of closing argument. Review and revise several times.	14	225.00	3,150.00
3/2/2011	Review, Edit Closing. Jury instruction conference, read jury instructions to jury and closing arguments, final jury instructions. First jury question conference.	5.5	225.00	1,237.50
			<b>Total</b>	
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3/3/2011	Conferences on jury notes. Jury brought into courtroom. Preparation of memorandum on intent.	6.5	225.00	1,462.50
3/4/2011	Jury note conference. Come to courtroom to await jury verdict. Jury verdict read.	2.5	225.00	562.50
3/7/2011	Review cases on JNOV, download United v. Anderson Telephone; Armstrong v. Fed. Natl Mortgage;	1	225.00	225.00
3/8/2011	Continue research of JNOV, download Leveeland v. Piper Aircraft. Review Rule 50 and Rule 59, begin draft of motion.	1.83333	225.00	412.50
3/8/2011	Continue draft of mtn, research and download Cleveland v. Piper Aircraft; Natl RR Passenger, Corp v. Koch; Riggs v. Scrivenor.	1	225.00	225.00
			<b>Total</b>	
			<b>Payments/Credits</b>	
			<b>Balance Due</b>	

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307 265-3082	307 265-6715	jeff@gosmanlawoffices.com	www.gosmanlawoffices.com



G O S M A N L A W O F F I C E

# Invoice

Date	Invoice #
3/15/2011	24

JEFF GOSMAN  
PO BOX 51267  
CASPER, WY 82605

Bill To

Tricia Wachmsuth

Service Date	Description	Hours	Rate	Amount
3/10/2011	Continue drafting motion, Conduct research, download Sanjuan v. IBP; Unitherm Food systems v. Swift-Eckrich; Weese v. Schuckman.	1.2	225.00	270.00
3/11/2011	Finalize Mtn for New Trial and Judgment notwithstanding the verdict. Conduct further research, download Henning v. UPRR. Prepare motion for extension to file attorney fee application, and order.	2.5	225.00	562.50
3/14/2011	Review Motion and File.	0.5	225.00	112.50
3/31/2011	Prepare Response to Mtn for JNOV and New Trial-	2.3	225.00	517.50
			<b>Total</b>	
			<b>Payments/Credits</b>	
			<b>Balance Due</b>	

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Service Date	Description	Hours	Rate	Amount
4/4/2011	Review case law on award of fees and costs in 1983 and Title VII actions. Download and annotate: Crumpacker v. Kansas Dept of Human Resources; Hoyt v. Robson Companies; Bell v. Bd of Co. Comm'r of Jefferson Co.; Flitton v. Primary Residential Mortgage Inc.	3	225.00	675.00
4/5/2011	Continue research- Gudenkauf v. Stauffer Comm. Review previous application, memorandum and certificate of costs in Gavin v. BTI.	1	225.00	225.00
4/6/2011	Review and edit billing. Remove billing for claims lost on summary judgment and on governmental tort claim. Prepare memorandum in support of application and Petition for Fees.	5	225.00	1,125.00
4/7/2011	Preparation of memorandum in support of fee application, petition for fees and costs and assembly of appendices	9	225.00	2,025.00
			<b>Total</b>	
			<b>Payments/Credits</b>	
			<b>Balance Due</b>	

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Service Date	Description	Hours	Rate	Amount
10/8/2010	COSTS ASSOCIATED WITH THE LITIGATION America's Best Value Inn- Motel Charges for first round of depositions in Powell, Wyoming		465.96	465.96
10/23/2010	America's Best Value Inn- Motel Charges for second round of depositions in Powell, Wyoming		223.56	223.56
12/2/2010	Fee to Reporter Vonni Bray for depositions not used at trial: Officer Brown, Officer Lara, Officer Bradley, Officer Brilakis, Officer Blackmore and Marissa Torzcon, author of Plaintiff's Exhibit 10, and Lieutenant Patterson of Park County Sheriff's Office. Copies of depositions of Tricia Wachsmuth, Bret Wachsmuth and Tom Wachsmuth		2,859.40	2,859.40
			<b>Total</b>	
			<b>Payments/Credits</b>	
			<b>Balance Due</b>	

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Service Date	Description	Hours	Rate	Amount
12/2/2010	Meals, Hotel, copying and mailing charges for reporter		1,296.00	1,296.00
12/8/2010	Videography of Tricia Wachsmuth deposition		142.95	142.95
12/16/2010	Cost to Serve Subpoena to MySpace in Los Angeles and provide location for production- Richard Reese		250.00	250.00
12/28/2010	Deposition of Steve Hermann- Tom Wachsmuth's DCI supervisor- consulted by Feathers before warrant service		460.30	460.30
1/4/2011	Deposition fees to Sabrina Trevathan for William Spencer, counselor for Tricia Wachsmuth,		78.20	78.20
1/10/2011	AMBI -Copying Charges for Brief and Appendix in Response to Summary Judgment Motion-		522.37	522.37
1/18/2011	Deposition fee for Thor Eells		280.00	280.00
1/18/2011	Deposition fee for Dr. Frederick Miller		450.00	450.00
			<b>Total</b>	
			<b>Payments/Credits</b>	
			<b>Balance Due</b>	

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1/24/2011	Fees for Services of VanBlaricom - preparation of report and preparation for deposition		3,527.38	3,527.38
1/24/2011	Trial Appearance fee for VanBlaricom		7,803.39	7,803.39
1/30/2011	Esquire Deposition costs for discovery deposition of Defendants' Expert- Dr. Miller		574.85	574.85
2/4/2011	Travel expenses to fly VanBlaricom to Cheyenne, Wyoming plus travel agency fee of 50.00, and baggage insurance		1,340.60	1,340.60
2/12/2011	AMBI - Copying charges for four exhibit notebooks plus one original for the court pursuant to pre-trial order, and two copies one for Plaintiff to use and one for opposing counsel		1,205.83	1,205.83
2/16/2011	Trial Deposition and video of Defendant's Expert, Dr. Miller		2,339.12	2,339.12
2/27/2011	Fee for Reading depositions of Kobos and Stiles		100.00	100.00
3/4/2011	Little America- Hotel and meal expenses for trial- for counsel		1,934.20	1,934.20
			<b>Total</b>	
			<b>Payments/Credits</b>	
			<b>Balance Due</b>	

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Service Date	Description	Hours	Rate	Amount
	Total Reimbursable Expenses			25,854.11
			<b>Total</b>	\$200,756.60
			<b>Payments/Credits</b>	\$0.00
			<b>Balance Due</b>	\$200,756.60

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